IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

CRP.No. 552 of 2007()

AGAINST THE ORDER DATED 10/01/2007 IN EA.222/06 IN EP.75/05 IN OS.22/2002 of SUB COURT, PALA
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REVN. PETITIONER: PETITIONER/ 2ND CR.PETITIONER 2ND DEFENDANT

P.C.CHACKO.S/O.CHACKO PEEVAKKALATHIL H. PALA PO.,PALA MUNICIPALITY,PARA KARA, MEENACHIL VILLAGE & TALUK.

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

RESPONDENTS: PETITIONER PLAINTIFF / DH-CR PETITIONERS 1 &3 J.D.1 &3, DEFENDANTS 1 & 3
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1. THE CATHOLIC SYRIAN BANK LTD.,REP BY ITS MANAGER,PALA BRANCH.

2. P.C.JOPPEN.S/O.CHACKO,P00VAKKALATHIL,H. KINDANGARA MURIYIL, VELIYANADU VILLAGE KUTTANADU TALUK.

3. P.C.MANICHAN,S/O.CHACKO,PEEVAKKALATHIL HOUSE,KIDANGARA MURI,VELIYANADU VILLAGE,KUTTANADU TALUK.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NO. 552 OF 2007

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Dated this the 21st day of June, 2007.

O R D E R

This revision petition is preferred against the order of the Subordinate Judge's Court, Pala in E.A.222/06. The plaintiff Bank has obtained a decree for realisation of the amount by sale of the property and in pursuance of the decree moved the court for sale of the property.

2. The judgment debtor contended that the value of the property is more than 10 lakhs and therefore held that the said court is not having jurisdiction to maintain the execution petition. The learned Subordinate Judge in the light of the decision reported in **Aravindakshan v. Federal Bank Ltd. (2006 (4) KLT 477(FB**) held that the Court has got jurisdiction to entertain the E.P. and therefore rejected the contention. The amount involved is huge and I am informed by the learned counsel for the petitioner that the sale is confirmed. His party wants to pay the liability and thereby save his property. I feel that an opportunity could be given for the said purpose. Since the sale is confirmed it

cannot be set aside without adequate reasons and only as provided under Order 21, 89 or 90 of CPC. But, if the decree holder is the auction purchaser and is willing to re-transfer the property it may do so as per the terms if any settlement is arrived at. If a third party is the purchaser it cannot be settled without his junction and the petitioner can try for the same. If settlement is not possible nothing can be done. In order to enable the petitioner to move for a settlement the Court is directed to defer the delivery by 2 months if it is not already done.

The C.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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